

Joseph Carbonaro

From: ecf_bounces@nyed.uscourts.gov
Sent: Monday, February 14, 2022 10:10 PM
To: nobody@nyed.uscourts.gov
Subject: Activity in Case 1:21-cv-04402-BMC Brainwave Science, Inc. v. Arshee, Inc. et al Order on Motion to Withdraw as Attorney

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 2/14/2022 at 10:09 PM EST and filed on 2/14/2022

Case Name: Brainwave Science, Inc. v. Arshee, Inc. et al

Case Number: [1:21-cv-04402-BMC](#)

Filer:

Document Number: No document attached

Docket Text:

ORDER deferring ruling on [32] and [33]. Defendants are advised that if they intend to oppose their lawyer's motion to withdraw as their counsel, they must file objections by 2/22/2022. Defendants are further advised that if the Court grants the motion to withdraw, they will have until 3/15/2022 to either have new counsel appear on their behalf, or, as to the individual defendants, advise the Court that they intend to proceed *pro se*, i.e., without a lawyer. However, the entity defendants Arshee and Brain Fingerprinting may only appear through counsel, as business entities may not appear *pro se*. In addition, defendants are advised that if the Court grants the motion to withdraw, and defendants fail to notify the Court of their intentions as described above, then their answer and counterclaims will be stricken and a default judgment will be entered against them.

In addition, because the motion to withdraw alleges a professed inability to pay legal fees, defendants must post a \$2000 bond by 3/15/2022 with the Clerk of the Court to secure the future payment of costs to plaintiff under Local Civil Rule 54.2. Failure to post that bond by 3/15/2022 shall also result in the striking of defendants' answer and counterclaims and entry of default judgment.

Attorney Carbonaro is directed to print out a copy of this Order, mail and email it to each of his clients, and file proof of service that he has done so by 2/18/2022. The case is stayed until

3/15/2022 but the preliminary injunction shall remain in effect. Ordered by Judge Brian M. Cogan on 2/14/2022. (Weisberg, Peggy)

1:21-cv-04402-BMC Notice has been electronically mailed to:

Joseph W. Carbonaro joe@jcarbonarolaw.com

Paul Forrest Tomkins, II pault@pftlaw.com

1:21-cv-04402-BMC Notice will not be electronically mailed to: